

Steven Klionsky, Esquire
Northeast Utilities System
260 Franklin Street, 21st Floor
Boston, MA 02110

RE: Western Massachusetts Electric Company, D.T.E. 99-84 (Compliance Filing)

Dear Mr. Klionsky:

On August 22, 2001, the Department of Telecommunications and Energy (Department) directed Western Massachusetts Electric Company (WMECo) to file a service quality (SQ) plan that complies with the guidelines established by the Department in Service Quality Standards for Electric Distribution Companies and Local Gas Distribution Companies, D.T.E. 99-84 (2001). On October 29, 2001, WMECo filed its proposed SQ plan that applied the Guidelines. On November 7, 2001, the Associated Industries of Massachusetts, the Attorney General, the Division of Energy Resources, The Energy Consortium, and Power Options, Inc. filed joint comments on all the service quality plans submitted by the gas electric distribution companies, including the Companies.¹

At a meeting on November 14, 2001, the Department requested that WMECo file a revised SQ plan that incorporated directives in our recent Order on Motion for Clarification, D.T.E. 99-84-B, as well as maintained consistency in the SQ plans among all the electric distribution companies. WMECo filed a revised SQ plan on November 16, 2001.

The Department has reviewed the SQ plan and we conclude that it incorporates the Guidelines and the directives in D.T.E. 99-84-B as well as maintains consistency among all the electric distribution companies' SQ plans in all but three topics: (1) the definition of operating

¹ These commenters urged the Department to approve the proposed SQ plans, subject to certain company-specific modifications and any other modification as may be required after further investigation. The commenters specifically sought changes to WMECo's SQ plan with respect to the maximum penalty level.

area in Section II.B; (2) the wording in Section IV on staffing level benchmark; and (3) the use of a general reservation clause in Section XI.

Regarding the definition of operating area, WMECo defines its operating area as four subdivisions of its service territories, rather than its total franchise territory. Although every other electric distribution company defines operating area as its franchise territory, WMECo argues it should be allowed to use subdivisions because it is consistent with the Guidelines and recognizes that diverse weather conditions within its service territory affect the four areas differently (November 16th Letter at).

The Department notes that, although the Guidelines provide for subdivisions in the definition of operating area, customers in each subdivision of WMECo's service territory are entitled to the equivalent quality of service. Moreover, no method to define the boundaries of any subdivision in a way that ensures company-wide consistent quality of service has been approved. Therefore, the Department rejects WMECo's language.

Regarding the provision in Section IV on staffing levels, WMECo added the phrase "as applicable." WMECo claims this phrase indicates that the applicability of the staffing level benchmark is dependent on the interpretation of G.L. c. 164, § 1E (November 16th Letter at). The Guidelines, however, explicitly state: "Consistent with G.L. c. 164, § 1E, staffing levels will be in accordance with the Guidelines and reviewed when the company files its annual performance data." Therefore, the Department rejects WMECo's language.

Regarding the general reservation provision in Section XII, WMECo adds the language that the "process for any changes will provide WMECo with the opportunity to comment and provide its position to the Department." The Department's reservation of rights has been in the Guidelines since August, 2000. WMECo had ample opportunity to express its concerns. Furthermore, a statement of the Department's rights does not implicate or change any of WMECo's procedural and substantive rights. Therefore, WMECo's language is unnecessary.

The Department does not accept WMECo's provisions regarding the definition of operating area, staffing level benchmark, and the Department's reservation of rights. Therefore, the Department rejects WMECo's SQ Plan. The Department directs WMECo to revise its SQ plan as follows:

1. Define operating area in Section II.B as WMECo's service territory rather than a geographical subdivision of WMECo's service territory;
2. Delete the phrase "as applicable" from Section IV on staffing levels;

3. Delete the additional language to the Guidelines= general reservation clause in Section XII;
4. Clarify the reporting of the customer service guarantee program in ' XI.

Further, the Department directs WMECo to make this compliance filing within three business days of this Order.

Finally, in Investigation into the Quality of Electric Service, D.T.E. 01-71, the Department is reviewing application of SQ plans filed pursuant to D.T.E. 99-84. At the conclusion of that proceeding, the Department may determine that modification of SQ plans is appropriate. Therefore, the Department's approval of WMECo's SQ plan will be subject to modification (D.T.E. 01-71 Pittsfield public hearing, Tr. at 14, ln. 2-10 (Nov. 28, 2001)). The Department will accept written comment on WMECo's SQ plan until January 30, 2002.

By Order of the Department,

James Connelly, Chairman

W. Robert Keating, Commissioner

Paul B. Vasington, Commissioner

Eugene J. Sullivan, Jr., Commissioner

Deirdre K. Manning, Commissioner

cc: D.T.E. 99-84 Service List